

*REMARKS/ARGUMENTS*

In response to the Office Action mailed March 2, 2007, Applicant amends his application and requests reconsideration. In this Amendment no claims are cancelled and new claims 6-18 are added so that claims 1-18 are now pending.

Examined claims 1-5 are clarified without substantive amendment. The front side of the cabinet is explicitly described in amended claim 1. Amended claim 1 describes, consistent with each of the disclosed embodiments, the location of the opening at the front side of the cabinet. A transparent plate is disposed in that opening so that a plurality of counter displays, located within the cabinet and opposite that transparent plate, can be read. The projection that protrudes is described as protruding outwardly from the front side of the cabinet in amended claim 4 and new claims 6-18. This description is consistent with, for example, Figures 2 and 3, taken in conjunction with Figure 1 and Figure 7 of the patent application. In the embodiment of Figure 1, the projection is element 5. That projection includes a control operation panel 816 and a plurality of operating buttons. In the embodiment of Figure 8, the projection is element 5a which projects farther from the front side of the cabinet than the control panel 5 which includes the buttons. These embodiments provide support for new claims 8-15.

New independent claim 6 is a combination of examined claims 1 and 4 with still further clarifications. The new claim explains that the opening, which corresponds in the described embodiments to the element 800, is below the projection so that the projection is intermediate, in vertical position, between the game display (21 and 41 in the two described embodiments) and the opening. Thus, as expressly described in the patent application from page 8, line 20 through page 9, line 14, and in new claim 7, it is difficult for a player of a game machine to see the opening while playing a game on the gaming machine. It is intended that the counter displays

appearing in the window are used in management or monitoring of the gaming machine and are of no interest and provide no useful information to the game player.

New claims 8 and 12 describe, consistent with the two embodiments depicted in the patent application, the location of the control panel with respect to the projection. New dependent claims 9-11, 13-15, and 16-18 are three sets of claims copied from clarified claims 2, 3, and 5.

Examined claims 1-5 were all rejected as anticipated by Takemoto et al. (U.S. Patent 5,941,774, hereinafter Takemoto). This rejection is respectfully traversed.

In the rejection, Takemoto was cited with respect to its Figure 1 which illustrates a gaming machine. The only reasonable interpretation of Figure 1 of Takemoto is that the gaming machine includes a recess, not a projection, at the front side of the gaming machine. Numerous elements are located within that recess, such as a display section 110 and a second display section 110A. The Takemoto game machine includes what appears to be an oblique surface with displays 103, 104, and 106, all related to the number of coins or tokens inserted, the number of games to be played, etc. The only element that projects from the front side of the cabinet is the start lever 108 and, possibly, the selector 105 for choosing the number of game plays.

In order to anticipate a claim, a prior art publication must disclose every element of the claim. This stringent test was not met with respect to any examined claim and, even more clearly, cannot be met with respect to any claim now pending.

With respect to the examined claims, the assertions that Takemoto discloses a container accommodating a plurality of counter displays and “inherently discloses a rear lid...” as in claim 1 are clearly erroneous. There is no factual evidence to support the assertions as required to support any rejection. See *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

The assertion that Takemoto *inherently* discloses a rear lid pressing and supporting the plurality of displays from behind the transparent plate at least borders on the incredible. There is no description of any internal structure of the Takemoto gaming machine and no portion of Takemoto is cited as supplying that information.

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). MPEP 2112 IV. There is no description in Takemoto that would require any particular internal structure within the cabinet of the Takemoto gaming machine and that could support a rejection in this instance based upon inherency. Moreover, the Examiner has presented no "basis in fact" that the claimed structure necessarily flows from the Takemoto specification.

While it may be inevitable that some kind of hatch is present on the Takemoto gaming machine cabinet for access to the inside of the cabinet, that hatch might not be on the rear of the cabinet as in the claimed invention. More fundamentally, there cannot be even a suggestion in Takemoto as to how any of its displays behind transparent windows are supported. There are a myriad of ways that support could be provided. For example, the displays could be mounted directly to the cabinet. Therefore, the support arrangement of claim 1, i.e., using a lid pressing against the displays, cannot be inherent in Takemoto. If there were a hatch in the Takemoto cabinet, where is the suggestion, or the disclosure needed for anticipation, that the hatch applies pressure to support the displays? The lack of an answer in Takemoto shows that the rejection is entirely conjectural. Conjecture is not fact. For that most fundamental of reasons, no examined claim could have been anticipated by Takemoto.

Upon reconsideration, the rejection of claims 1-5 should be withdrawn.

With respect to amended claim 4 and new claims 6-18, it is apparent that Takemoto does not describe any projection projecting outwardly from the front side of the cabinet. The assertion to the contrary in the Office Action regarding the display 110 of Takemoto is plainly erroneous. The Takemoto display is within a recess in the front side of the cabinet, not at an outward projection. Further, there is no display or opening in the Takemoto gaming machine arranged with respect to the display 110 so that an intervening projection makes observation of that opening by a player playing

the game difficult. The start lever 108 cannot visually obscure anything. Thus, the rejection cannot be properly maintained with respect to amended claim 4 or any of the new claims 6-18

The rejection of examined dependent claims 2, 3, and 5 is, for the same reasons supplied in traversing the rejection of claim 1, clearly erroneous and cannot be properly maintained.

Further, since Takemoto does not disclose the internal mechanical structure of the gaming machine, it is impossible to conclude that Takemoto's gaming machine includes an absorber pressing against and supporting displays behind a transparent plate in Takemoto. Therefore, claim 2 cannot be anticipated, independent of the rejection of claim 1.

In addition to the distinctions identified above between new independent claim 6 and Takemoto, new dependent claims 7-15 are patentable over Takemoto for the reasons presented above with respect to claims 1-5.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,



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